

REMARKS/ARGUMENTS

Claims 1-10, 12, 14, 16, 18-24, 26-30, 36, 38 and 39 were pending. Claims 36, 38 and 39 were withdrawn from consideration, and those claims are now canceled by the present amendment. Accordingly, claims 1-10, 12, 14, 16, 18-24 and 26-30 were examined.

Claims 12, 14, 16, 18-24, 26, 27, 29 and 30 were rejected under 35 U.S.C. §112, second paragraph, for alleged indefiniteness on two grounds. Claims 12, 14, 16 and 18 were deemed indefinite in the recitation "contacting the cell" or "contacting the neuronal cell" because the examiner found it unclear whether a method of treatment or a method of bioassay was intended. Claims 16 and 24 were deemed indefinite in the recitation of "prophylactically effective amount" because the examiner found the term somewhat contradicting since the composition could be given during and after a traumatic event.

Claim 28 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

Claims 1-10 were allowed.

In accordance with the present amendment, claims 12, 16 and 24 have been amended to clarify the subject matter Applicants regard as their invention. The amendments to claims 12, 16 and 24 are made solely for purposes of clarification and do not narrow the claims in any way. Applicants respectfully submit that the presently amended claims satisfy all requirements of 35 U.S.C. §112, second paragraph, in that they all clearly recite methods of reducing cell death or neuronal cell death in a cell population or a subject, which comprises contacting the cell


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population or administering to the subject an amount of the compound of claim 1 effective to reduce the cell death. The term "prophylactically effective amount" has been removed, which should obviate the related ground of rejection under 35 U.S.C. §112, second paragraph. With respect to the terms "contacting the cell" or "contacting the neuronal cells," Applicants respectfully assert that one of skill in the art would understand the meaning of such terms as they are used in the claims, such that the metes and bounds of the claims would be clear to the ordinarily skilled artisan. Nothing more is required under the statute. Accordingly, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. §112, second paragraph.

Applicants believe the present paper to be fully responsive to all outstanding issues. The current amendments are considered to place all the claims in condition for allowance and the same is earnestly sought in an early and favorable action. If the examiner believes that advancement of this application would be facilitated by further discussion with the Applicants, he is invited to contact the undersigned at the telephone number provided below.

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